



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

January 25, 2018

BY ECF

The Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *Bonner v. Department of Defense et al.*,
No. 17 Civ. 9378 (VEC)

Dear Judge Caproni:

In advance of the conference tomorrow morning in this Freedom of Information Act case, the government writes to alert the Court to a potential recusal issue under the personal-knowledge provision of 28 U.S.C. § 455(b)(1), stemming from Your Honor's prior service as General Counsel to the FBI. Plaintiff's FOIA request seeks, among other things, records in the possession of the FBI from 2002 that pertain or refer to Abu Zubaydah. Given that Your Honor served as General Counsel of the FBI beginning in 2003, and was involved in matters relating to High Value Detainees, it is possible that Your Honor may have personal knowledge of documents that may be responsive to the FOIA request.

We would be pleased to provide any further information the Court requires regarding this issue, and thank the Court for its consideration of this letter.

Respectfully submitted,

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